

REMARKS

The Office Action dated May 6, 2008 has been carefully considered. In the Office Action, the Examiner raised a restriction requirement between Group 1 claims, claims 1-14, drawn to a device for photocatalytic air purification; and Group 2, claim 15, drawn to a method for optimizing the sizing of the photocatalytic air purification element. Applicants traverse the restriction requirement below, but to comply with the requirement stated, Applicants elect Group 1, claims 1-14. However, Applicants respectfully request that claim 15 should be considered and reinstated for the reasons stated herein.

In short, the Office Action is facially deficient in establishing reasons for insisting upon restriction. This is defined by MPEP § 808 which requires:

"Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why >>>each invention< *as claimed* *>is< either independent or distinct >from the other(s)<; and (B) the reasons >why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons< for insisting upon restriction therebetween as set forth in the following sections."

In this instance, there is no statement as to why there would be a serious burden on the Examiner if restriction is not required. In this instance, claim 15 which is the subject of restriction is directly linked to claim 1 by the following language: "method for optimizing sizing of an air purification element according to claim 1". Therefore, it follows that if claim 1 is allowable then it is likely that claim 15 should also be allowable. The same art and search would be necessitated regardless. Accordingly, and considering the express linkage, Applicants respectfully request that the restriction requirement be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. Of: Laurent Geron et al.
Application No.: 10/574,047

Extension of Time and Fee Deficiency

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time. If any additional fee is required, or any overpayment is made, in connection with this communication please charge or credit deposit account No. 50-3505.

Respectfully submitted,

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